

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13219 of 2004

Between:

M/ Sri Venkata Ramana Winesn

LB Nagar Village, Garedepally Mandal
Nalgonda District rep. by prop. Tippana Srinivasa Reddy

S/o. China Narsi Reddy aged 45 years.

..... PETITIONER

AND

- 1 The Commissioner of Prohibition and Excise, A.P.,Hyderabad.
- 2 The Prohibition and Excise Superintendent Nalgonda District, Nalgonda.
- 3 The Prohibition and Excise Inspector Huzurnagar, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially writ of mandamus directing the respondents to consider the application dated 9-7-2002 and refund the amounts together with interest payable to the petitioner by declaring the action of respondents in not refunding the license fee payable to petitioner as highly arbitrary, illegal.

Counsel for the Petitioner:MR.L.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

The petitioner was granted a licence in Form I.L.24 for carrying on the business in Indian Liquor and Foreign Liquor at L.B.Nagar Village, Nalgonda District for the year 2001-2002. He states that he did not opt for renewal of his licence for the next year and as on today he is not carrying on the business. In the circumstances, he made an application on 09-07-2002 requesting the authorities to refund the deposits made by him. He states that basing on the said application, the second respondent-Prohibition and Excise Superintendent, Nalgonda District called for a report from the third respondent-Prohibition and Excise Inspector, Huzurnagar. In pursuance thereof, the third respondent has already furnished his report on 09-12-2002.

The only grievance of the petitioner is that in spite of the reports received from all the concerned, the first respondent failed to consider his representation for refund and no orders have been passed so far. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents.

Having regard to the facts and circumstances, without expressing any opinion with regard to the entitlement of the petitioner for the refund claimed by him, I deem it appropriate to dispose of the writ petition with a direction to the respondents to

consider the representation of the petitioner dated 09-07-2002 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

(G.ROHINI, J)

28th JULY, 2004.

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To

- 1 The Commissioner of Prohibition and Excise, A.P., Hyderabad.
- 2 The Prohibition and Excise Superintendent, Nalgonda District, Nalgonda.
- 3 The Prohibition and Excise Inspector, Huzurnagar, Nalgonda District.
- 4 Two CCs to the Government Pleader for Prohibition & Excise, A.P. High Court Buildings, Hyderabad.
- 5 Two CD copies.

